

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARUBA HOTEL ENTERPRISES N.V., :
Plaintiff, :
-against- : **CIVIL ACTION NO.: 07 CV 7564 (PAC)**
MICHAEL BELFONTI, BELFONTI :
HOLDINGS LLC, and BELFONTI CAPITAL :
PARTNERS, LLC, : **ORAL ARGUMENT REQUESTED**
Defendants. :
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NOTICE OF MOTION TO DISMISS THE COMPLAINT
BY DEFENDANTS MICHAEL BELFONTI, BELFONTI HOLDINGS LLC
AND BELFONTI CAPITAL PARTNERS LLC

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Affidavit of Allan F. Kuster, and upon all prior pleadings and proceedings herein, Defendants Michael Belfonti, Belfonti Holdings LLC and Belfonti Capital Partners LLC, by and through their undersigned counsel, Kobre & Kim LLP, respectfully move this Court, before the Honorable Paul A. Crotty, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, on such day and at such time designated by the Court for an order (a) dismissing this action for lack of subject matter jurisdiction, or, alternatively, on grounds of *forum non conveniens*; and (b) granting such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that unless otherwise ordered by the Court, papers in opposition to this motion shall be served by January 2, 2008 and reply papers shall be served by January 9, 2008.

Dated: December 20, 2007
New York, New York

Respectfully submitted,

KOBRE & KIM LLP

/s/ Michael S. Kim
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